IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE
CRIMINAL JURISDICTION

Revised
Not Restricted
Suitable for Publication

Case No. CR-24-01611
CR-24-01612

DIRECTOR OF PUBLIC PROSECUTIONS

v

DENNIS NGUYEN

JUDGE:	HER HONOUR JUDGE MARKS
WHERE HELD:	Melbourne
DATE OF HEARING:	4 March 2025
DATE OF SENTENCE:	24 March 2025
CASE MAY BE CITED AS:	DPP v Nguyen
MEDIUM NEUTRAL CITATION:	[2025] VCC 336

REASONS FOR SENTENCE

Subject:	CRIMINAL LAW
Catchwords:	Sentence – plea of guilty – theft – attempting to obtain financial advantage by deception – obtaining financial advantage by deception – continuing criminal enterprise offender
Legislation Cited:	*Crimes Act* 1958; *Sentencing Act* 1991
Cases Cited:	*DPP v Bulfin* (1998) 4 VR 114; *R v Verdins* (2007) 16 VR 269
Sentence:	Total effective sentence of 2 years and 6 months' imprisonment, with non-parole period of 1 year and 6 months

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APPEARANCES:	Counsel	Solicitors
For the Director of Public Prosecutions	Mr B. Sharp	Office of Public Prosecutions
For the Accused	Ms J. Xie	Dribbin & Brown Criminal Lawyers

HER HONOUR:

1 Dennis Nguyen, you have pleaded guilty to seven charges.

2 You have pleaded guilty to three charges of theft contrary to s 74 of the *Crimes Act* 1958, specifically: one charge of theft of money on 15 November 2021 (Charge 1); one charge of theft of money on 18 November 2021 (Charge 2); one charge of theft of money between 12 October 2022 and 9 November 2022 (Charge 3).

3 You have pleaded guilty to three charges of attempting to obtain financial advantage by deception contrary to s 321M of the *Crimes Act*, specifically: one charge of attempting to obtain financial advantage by deception on 17 January 2023 (Charge 4); another charge of attempting to obtain financial advantage by deception on 17 January 2023 (Charge 5); and one charge of attempting to obtain financial advantage by deception on 19 January 2023 (Charge 6).

4 You have also pleaded guilty to one charge of obtaining a financial advantage by deception on 16 February 2023, contrary to s 82(1) of the *Crimes Act* (Charge 7).

5 The offence of theft, contrary to s 74 of the *Crimes Act,* carries a maximum penalty of ten years' imprisonment. The offence of attempting to obtain financial advantage by deception, contrary to s 321M of the *Crimes Act,* carries a maximum penalty of five years' imprisonment. The offence of obtaining a financial advantage by deception, contrary to s 82 of the *Crimes Act,* carries a maximum penalty of 10 years' imprisonment.

6 You are sentenced as a continuing criminal enterprise offender because Part 2B of the *Sentencing Act* 1991 has been enlivened. This means that the

maximum penalty for Charges 1-3 of theft, and for Charge 7 (obtaining a financial advantage by deception), is doubled to 20 years. This does not compel a sentencing judge to increase any individual sentence, however.

7 You have no prior criminal history.

8 The circumstances of your offending are fully set out in the Summary of Prosecution Opening Upon Plea. I shall just give a summary.

9 You are 31 years of age, born in October 1993. You were 28 and 29 years old at the time of offending, residing in Chadstone and the Docklands. You worked firstly for National Australia Bank (**NAB**) between February and November 2021, and secondly for Judo Bank between July and December 2022. In those roles you were given a work laptop, a secure username, and a passcode to access the banks' internal banking systems. This enabled you to access customers' accounts and make changes and alterations which were unauthorised to those accounts.

Charge 1

10 On 15 November 2021, you advised the NAB that you would not be at work because you felt unwell. Later that day, you created a Commonwealth Bank customer profile in the name of a customer whom I will call by his first name, Simon. You linked a new email address to that profile. A Commonwealth Bank account was created with that profile and investigators who obtained documents relating to the establishment of that account, were able to establish that the IP address used to establish that profile and account belonged to you.

11 At 1.44 pm that day, you made an unauthorised amendment, using internal NAB systems, to Simon and his partner's home loan account. You then

amended their email address to the new email you had linked. You left a note on NAB's systems reading '15 November 21. Added email as req'. No record of Simon contacting you to request this email change was located. Later you changed the direct debit account number to the Commonwealth Bank account you had created in the name of Simon earlier that day.

12 On 16 November, a one-off redraw of $70,000 was processed via the NAB systems and the funds were transferred to that account. On 17 November, you left a note on the NAB systems, in the customer file, indicating that you had spoken with Simon, added an email, checked the account details and assisted with StarNet. At that time, you updated the account details back to the original debit account and there are no call records for that call occurring. Simon noticed the redraw of $70,000 on 22 November and immediately contacted the bank. On 30 November, the bank reimbursed Simon and his partner the $70,000.

Charge 2

13 At 8.44 pm on 17 November 2021, you accessed the home loan account of two customers, Min and Lam. I will not detail further the circumstances of that, save to say that you again used your knowledge and access to the bank's internal systems in order to transfer $50,000 of money that was in the account of Min and Lam into a Commonwealth Bank account that you had created using your personal identity documents. After that $50,000 entered that Commonwealth Bank account, it was transferred to another account. An indemnity was issued to the Commonwealth Bank by the NAB for the return of that $50,000 and the NAB was able to recover $46,200.26 from the Commonwealth Bank and reimbursed the victims the remaining $3,799.74 they had lost.

14 You were spoken to by the NAB in relation to the allegations comprising these two charges. You denied fraudulently accessing the accounts, stating you would have been smarter than to transfer money into your own account, knowing there would be an audit trail. On 26 November 2021, you were suspended from your employment with the NAB and subsequently dismissed. An investigation was undertaken by a NAB investigator and the matter was referred to Victoria Police.

Charge 3

15 Subsequently, you were employed by Judo Bank and that led to Charge 3. On 5 October 2022, you answered an inbound telephone call from a Judo Bank customer, one called Elaine. She held a term deposit with Judo Bank. She was calling to confirm her balance as she was unable to log into internet banking. The call was recorded. During the call, she advised you that she had been in hospital for five months. You told her she had two accounts with Judo Bank – one had nothing in it, and the other contained $167,500.21. Five days later, on 10 October, you called Elaine and offered her a better interest rate. This was not standard practice for your role. This call was also recorded.

16 During that call, Elaine advised you that she suffers from multiple sclerosis which affected her ability to remember the details of the previous call and said she still hadn't been able to log into internet banking. She advised she may be moving in the future and would need to access her funds early. The next day at 2.27 pm, you amended Elaine's phone number on her customer profile to a new phone number. You amended her email address to a new email address. The phone number that you changed it to had been provided by you when you filled out your employer details with Judo Bank on starting employment in July 2022.

17 Subsequently that day, you linked an ANZ account as a beneficiary account to Elaine's customer profile. That was linked to your own Judo term deposit, and had been linked to your Judo customer profile since the beginning of your Judo term deposit. At 9.12 on 12 October, Judo Bank's customer service team received an email from that new email address purporting to be from the victim, Elaine, requesting an early release of $40,000 from her term deposit for financial hardship. The request nominated the ANZ account you had linked for the receipt of the money. You granted approval to action the hardship request and at 9.50 am that day, processed the $40,000.

18 A few hours later, at 1.21 pm, you logged in and changed Elaine's email address and phone number back to what they had originally been.

19 On 18 October, you repeated this process. There was another email and hardship request form received from the email address you had created. $25,000 was requested as a release, and again you granted approval for it.

20 On 9 November, you repeated this process a third time. This time the request and the hardship request were for the balance of Elaine's term deposit, $102,500, and the interest on the funds of $1,312.15.

21 Again, the request was granted, you actioned the payment and then you changed her details of email and phone number back to what they had originally been again. Investigators made enquiries with ANZ, which revealed that that account was in your name, and that you had opened it using your personal identity documents, including your Australian passport. ANZ then froze that account and recovered $136,262 for Elaine. Judo Bank reimbursed Elaine the remaining $32,550.

22 On 6 December 2022, Judo Bank received a tipoff about you via their website. Following this, they initiated an investigation and on 9 December you were suspended. On 15 December you were sent a letter outlining the misconduct you were alleged to have committed and, on 17 December, you responded to that allegation by email. You said you recalled assisting Elaine, but you denied any wrongdoing. You again said you were intelligent enough not to use your personal details, knowing everything would be audited. You claimed to be the victim of an identity takeover.

23 You were dismissed from the bank on 18 December and that investigation was referred to the police

Charge 4

24 On 17 January 2023, Mr and Mrs Velluto read a product review which had been posted to a comparison website offering a higher interest rate on a term deposit if customers contacted Judo Bank's general manager, Patrick Nolan, on an email address listed.

25 Your offending, in relation to charges 4-7, is connected to this product review.

26 The Vellutos sent an enquiry to that email address enquiring about investing $500,000 into a Judo Bank term deposit account. There were many emails exchanged with them where you, purporting to be Patrick Nolan, offered a higher interest rate than the advertised rate.

27 You provided a BSB number and an account number and instructions on how to fund their new term deposit account. In fact, it was not a Judo Bank account, it was your personal ANZ Plus Account. Mr Velluto did not hear back from the email address, and he accessed the Judo Bank website and opened a genuine Judo Bank term deposit account. Once it was open, the Vellutos

sent a further email to the address you had provided, asking why they could not select the higher interest rate. You advised you would have to open the account manually for them as it was a promotional rate. You signed off the email with the name, 'Dennis', rather than the usual email signature, 'Patrick Nolan'. They became suspicious. They contacted Judo Bank through their genuine channels where it was confirmed as a scam, and they ceased contact with you prior to investing any money in your account.

Charge 5

28 Charge 5 involved a person whom I will call 'Keith' seeing a similar review on motso.com.au in relation to contacting Patrick Nolan for a higher than advertised interest rate on a Judo Bank term deposit account. He also contacted the email address there. He advised he would like to invest $90,000 into a Judo Bank term deposit account and, if the interest rate was high enough, his wife would potentially invest $420,000. You responded offering an interest rate of 5.2 per cent annually or 5.1 per cent monthly. Keith believed this was too good to be true. He contacted Judo Bank through their genuine channels and was subsequently advised it was a scam, prior to losing any funds.

29 You tried again on 7 January, using a slightly different email address, to contact him. He reported the email to the fraud investigation team and ceased contact with both email addresses.

Charge 6

30 Charge 6, on 19 January, involved people I will refer to as 'Christine and Robert' who found a review online where a reviewer posted about Judo Bank, stating 'If customers contacted Patrick Nolan, manager of operations and

deposits, on a particular number, he would provide them with a higher interest rate than anywhere advertised online'. Investigations revealed that this number is registered to you. Christine and Robert contacted the number. You, purporting to be Patrick Nolan, claimed you could offer them the higher interest rate and stated they would receive an email to open an account with Judo Bank. Robert received an email with a link to open a new term deposit account.

31 As part of that process, the pair provided their personal details. You called them and provided your personal ANZ account details. You asked them to deposit $200,000 into the account. They became suspicious. They called Judo Bank directly, who advised no such bank existed and not to deposit the money as it was a scam. Robert then reported the matter to the fraud team at Judo Bank.

Charge 7

32 On 19 January, someone I will call 'Richard' made contact with someone he believed to be Patrick Nolan, via email. Again, this was you, acting as Patrick Nolan. The next day, Richard received a series of emails, in response to which it was indicated that Patrick Nolan would open an account for him manually. He advised he was also interested in arranging a small business loan for his partner's daughter. On 23 January, he received an email from someone he believed to be Mr Nolan, advising he was happy to assist with both enquiries, and over the following weeks there were multiple emails back and forth in relation to the best rates and the process to open a Judo Bank term deposit account.

33 During this time, you requested personal information, including his personal identification. He gave his driver's licence and Medicare card for the account

to be opened. Then on 12 February 2023, you used the personal information that Christine had given you, the subject of Charge 6, including her driver's licence and Medicare card, to open a Judo Bank term deposit online in her name. You provided the correct personal details of her, including her home address, but you listed your own mobile phone number and an email account that you had created and solely operated yourself.

34 The linked beneficiary account of this Judo Bank deposit account was a Westpac account which was your personal Westpac account. The next day you contacted Richard by email, advising him that his Judo Bank term deposit had successfully been opened. You gave details. He believed this account had been opened in his own name, but you had actually opened it in Christine's. On 14 February 2023, he attended his local ANZ branch, and arranged for the transfer of $200,000 which successfully went from his ANZ account to the Judo Bank term deposit in the name of Christine.

35 Then on 15 February 2023, you sent a request to break the term deposit due to hardship suffered from a natural disaster. You sent this request via email to Judo Bank from the email address for Christine that you had created. The hardship request stated that, due to a family member being affected by a risk of cyclone in New Zealand, the $200,000 was required to assist them financially. The hardship request form was approved, the Judo Bank term deposit in Christine's name was closed and the whole amount was sent to the linked beneficiary account, that is, your account at Westpac.

36 On 18 February 2023, you transferred $200,000 across two transactions of $100,000 into an ING Bank account in your name. Judo Bank reimbursed Richard the full $200,000. Judo Bank was only able to recover $155,407.70 from ING Bank, leaving them with a net loss of $44,592.30.

37 I turn now to the police investigation and charges.

38 You were arrested on Charges 1-3 on 17 March 2023 and interviewed that day. In relation to the $70,000 the subject of Charge 1, you stated 'you couldn't remember anything to do with it, but it probably did happen'. You acknowledged that you had received and spent the $50,000, the subject of Charge 2, but said 'you didn't put the money there'. In relation to Charge 3, you acknowledge knowing the victim was old and sick. You made full admissions to manipulating the Judo Bank accounts to receiving the money. You were charged with offences on Charges 1-3 on 17 March 2024.

39 You were arrested in relation to Charges 4-7 on 3 August 2023. A warrant was executed, and your phone was seized. Police found screenshots of reviews you had posted on various websites, including Patrick Nolan's work details and photographs of the victims' identification cards. You were interviewed in relation to this offending the same day and made full admissions. You were charged with the offending on Charges 4-7 on 15 April 2024.

40 I now turn to the gravity of the offending.

41 The offences of theft and of obtaining financial advantage by deception are serious charges, as gauged by the maximum penalty of 10 years' imprisonment set by parliament. The offence of attempting to obtain financial advantage by deception is also serious, carrying a maximum penalty of five years' imprisonment.

42 You were a sole offender. Your culpability for the offending is high. You worked at different times for two banks, you had access to clients' account. You breached the banks' trust in you. This was all relatively sophisticated. There

were fake names and different accounts, and you lied to your employers and to the clients you were meant to assist, as well as those who contacted you subsequently in relation to the reviews you placed.

43 You used your insider's knowledge of how the NAB's and Judo Bank's respective administrative systems worked in relation to the offences you carried out at those banks. The money obtained is significant, being $488,812.15. The offending occurred from 15 November 2021 until 16 February 2023, a span of some 15 months, albeit with an 11-month gap between Charges 2 and 3.

44 You were employed in a position of trust with both banks. Your offending is a gross breach of that trust. It was premeditated. It involved a significant degree of planning.

45 The victim of Charge 3 had disclosed to you that she was suffering from multiple sclerosis which affected her memory. You took advantage of that as part of the offending. Once your thefts at the NAB were discovered and you were terminated from there, you obtained work at the Judo Bank and proceeded again to carry out theft there. When that too was discovered and you were sacked, you remained undeterred from offending. You then proceeded to post advertisements online, seeking to obtain financial advantage by deception from others. You successfully obtained financial advantage by deception in relation to Charge 7.

46 Your moral culpability is significant.

47 However, it is informed by your personal circumstances to which I now turn.

48 You grew up in a migrant family with your parents, a brother a year older than you and a sister four years younger. The family was poor. Your parents

worked on farms. They had little English. As a result, you did not see your parents often. Your parents did not teach you Vietnamese as they wanted you to speak English and to have a better life in Australia than they had. You report that your father was an alcoholic and physically abusive. Your family had called the police on him. When you were 10 years old, you and your family moved from Sydney to Adelaide as your father had a gambling addiction and lost the family's savings.

49 You saw your brother as a father figure who took care of everything. He looked after you and your sister. You attended Renmark primary school and then St Paul's secondary college until Year 10. In 2011, when you were 17, you started helping your parents with their farming work. Your parents were unwell at this time, and your brother had already moved to Melbourne. You transferred to University Senior College to complete Years 11 and 12. You enjoyed sports and had no social or behavioural problems at school. You then attended the University of Adelaide, initially intending to become a secondary school teacher, but dropped out in your second year, not knowing what you wanted to do.

50 You had difficulty gaining employment after leaving university. You moved to Queensland. You worked at Hungry Jacks in hospitality for three years. In 2020, you moved back to Adelaide to stay with your parents when the COVID-19 pandemic started. You met Thuy, your current partner, who at the time was studying at the University of Adelaide.

51 In 2021, you moved from Adelaide to Melbourne for employment and you obtained work at the NAB call centre. Thuy followed you to Melbourne.

52 On 14 November 2021, you lost approximately $20,000, comprising most of your savings, in a crypto currency scam. You lost everything you had

invested.

53 This loss of your savings had a substantial impact on you, both financially and emotionally. It was in the context of this event that your offending started. The day after you lost that $20,000, you committed the offence in Charge 1.

54 You told no-one about your investment loss until you were finally charged in 2024.

55 At the time of offending you were the sole breadwinner in your relationship as your partner was still studying for her law degree. You appear to have had a limited emotional connection with your family, particularly your parents. You reported positive relationships with your siblings.

56 Your mother underwent a serious injury on 2 September 2024 and suffered complications. She had intended to visit you prior to your plea date but was unable to. Your father flew down to Melbourne in mid-February to support you. Your family are present here in court today.

57 After you were charged, you took up a traineeship as a mortgage broker at the OCTO Finance Group, but knowing you were unlikely to have a career in the finance industry in the future, you did not commence formal employment with them. From April to July 2024, you worked as a customer service officer at another company. You were offered a permanent full-time position which required a police check. Knowing you would not pass that background check, you declined the offer.

58 In October 2024, you started a part-time job in retail sales. You enjoyed working – it took your mind away from this court hearing coming up, and allowed you to contribute to your household financially. You resigned from that to prepare for the plea hearing.

59 You are no longer the sole breadwinner. You and your partner have sold your valued property to pay off debt. Although living pay cheque by pay cheque, you report that you now feel your life is on the right path and you are no longer hiding any lies.

60 I have received a number of character references on your plea. They come from your current partner, family members and one of your closest friends. All of them have known you a very long time. They all speak of someone who is kind-hearted, gentle, introverted, and caring, someone who is ordinarily hardworking and who fully intends to become a better person. They speak of your offending as being entirely out of character and stress the remorse you feel for your actions. I accept that you feel remorse and I am satisfied on the material before me that you are a person who has otherwise been of good character with a strong work ethic. You have no prior convictions.

61 I turn to other sentencing considerations.

62 You co-operated with the police. I should say you co-operated partially initially. In your initial interview on 17 March, you said you couldn't remember anything to do with the $70,000 the subject of Charge 1 but that it probably did happen. You acknowledged you had received and spent the $50,000 the subject of Charge 2 but did not acknowledge that you had put the money there. You acknowledged that the victim the subject of Charge 3 was old and sick, and you made full admissions about manipulating Judo Bank's accounts to receive money. You made full admissions on 3 August to Charges 4-7.

63 There has been some delay in the matter coming to trial, but not an unusual amount. I accept that that delay has weighed heavily on you while waiting for sentencing.

64 My sentence must take into account denunciation and deterrence. You stole and obtained by financial deception a very substantial amount of money, $488,812.15. The banks' total losses were less, being some $80,942, but that does not detract from the fact of the amount of money that you took. It was premeditated behaviour. It occurred over some 15 months. The number of different incidents, significant planning, it was in breach of trust.

65 Given the gravity of your offending, the sentencing considerations of general deterrence and denunciation are very significant. My sentence must deter others from similar offending. The importance of general deterrence and the imposition of sentences for this type of offending was discussed by Charles JA in a case of *DPP v Bulfin* (1998) 4 VLR 114. It was noted that the offenders typically involved in white collar crimes usually had no prior criminal history. It was that fact which made the commission of the crime possible, for such crimes were frequently committed by people in a position of trust which they would not have been able to attain had they possessed a criminal record. [1]

66 Charles JA with whom the President and Callaway JA went on to state the following:

> Whatever the motivation, offences of the kind here in question almost invariably involve a carefully calculated course of conduct over a long period, repeated deliberate acts of dishonesty, substantial amounts of money and frequently losses often tragic in their impact to large numbers of small investors. The officer often holds a position making it possible or has the ability to disguise or camouflage the conduct in question. Detention is difficult, the investigation of the crime usually lengthy and expensive and problems of trial and proof will frequently be extreme. The result of such considerations in my view is that the element of general deterrence will usually carry particular significance of sentencing for crimes such as the present both in relation to the total effective sentence and the non-parole period together with a requirement for strong denunciation by the sentencing court.[2]

1 *DPP v Bulfin* (1998) 4 VLR 114 at 131.
2 *DPP v Bulfin* (1998) 4 VLR 113 at 132.

67 I take into account your hard work and history, your work done since these offences, the support you have from your family and partner, that your mental health is relatively stable, that you do not abuse drugs. These are all protective factors. They bode well for your prospects of rehabilitation, and I accept that you have good prospects. I accept too that specific deterrence can be moderated in this case given your absence of priors, your good prospects of rehabilitation, and the shame and burden you have carried from witnessing the impact of your offending on your family. I accept all these factors are relevant.

68 I have considered the cases that were provided for the assistance of the court by both the prosecution and the defence. Of course, the circumstances of offending and of offenders differ. Every case turns on its facts. Defence counsel submitted that it was appropriate to take into account *Verdins*[3] principles 5 and 6. It was submitted that your diagnosis of clinical depression, experience of suicidal thoughts and experiencing symptoms of a major depressive disorder would make custody more onerous for you than an ordinary prisoner.

69 Counsel for the Prosecution, however, said that while the report from psychologist, Dr Carla Lechner, indicates that you present with symptoms of major depressive disorder, it does not go so far as to conclude you would suffer a significant additional burden in prison or that there is a serious risk imprisonment will significantly affect your health in an adverse manner greater than the mental deterioration that incarceration typically causes, so that that principles 5 and 6 have not been satisfied.

70 Carla Lechner's psychological report of 21 January 2025 said that you did not

[3] *R v Verdins* (2007) 16 VR 269 at [32]

present with symptoms of a pre-existing mental health issue, substance abuse problems or personality disorder.

71 However, when you had worked at NAB and lost all of your money through a crypto-related scam, you developed symptoms of a major depressive disorder. You reported to her that since the beginning of the offending, your relationship had been up and down, that you felt super-depressed, had lots of thoughts of suicide. You reportedly Googled 'how to die easily'. You have not made any attempts on your life. You had engaged in some self-harm, including hitting yourself in moments of anxiety; you bottle-up emotions and experience acute self-loathing. There is no evidence of psychotic processes.

72 You do not regard your formative years as traumatic. Your emotional connection with your family is limited, according to her report. Your siblings inspire feelings of inadequacy, you have withdrawn from social contact after your offending. Her report concludes:

> Certainly in the short-term, his mood state will decline in a prison environment as it will confirm his negative self-perception and potentially leave him without any emotional supports.

73 *Verdins* principles 5 and 6 relate to impaired mental functioning, whether temporary or permanent, and it is relevant to sentencing in six ways.

74 Number 5 is:

> 'The existence of the condition at the date of sentencing or its foreseeable recurrence may mean a given sentence will weigh more heavily on the offender than it would on a person in normal health'.[4]

75 Number 6 is:

> 'Where there is a serious risk of imprisonment having a significant adverse effect on the offender's mental health, this will be a factor to

[4] *R v Verdins* (2007) 16 VR 269 at [32].

mitigate punishment'.[5]

76 I am satisfied that limb 5 is engaged to a modest degree and I take this into account in my sentencing. I am not satisfied limb 6 is engaged.

77 You entered a relatively early guilty plea at the fourth committal mention in the Magistrates' Court on 13 September 2024. That plea has some utilitarian value.

78 In the circumstances of this case, a term of immediate imprisonment is warranted. This was accepted on your behalf. It was also submitted for you that it would be appropriate to have a term of imprisonment coupled with a community correction order. I do not consider, given the gravity of this case, that it is appropriate to impose a community correction order. I consider that the sentencing requirements necessitate imprisonment and non-parole period.

79 Having regard to the maximum penalties imposed by Parliament and taking into account all the matters to which I have referred, I now sentence you as follows.

80 On Charge 1, theft, you are convicted and sentenced to 12 months' imprisonment.

81 On Charge 2, theft, you are convicted and sentenced to 12 months' imprisonment.

82 On Charge 3, theft, you are convicted and sentenced to 18 months' imprisonment.

83 On Charge 4, attempting to obtain financial advantage by deception, you are convicted and sentenced to 18 months' imprisonment.

5 *R v Verdins* (2007) 16 VR 269 at [32].

84 On Charge 5, attempting to obtain financial advantage by deception, you are convicted and sentenced to 18 months' imprisonment.

85 On Charge 6, attempting to obtain financial advantage by deception, you are convicted and sentenced to 18 months' imprisonment.

86 On Charge 7, obtaining financial advantage by deception, you are convicted and sentenced to 2 years' imprisonment.

87 Charge 7 will be the base sentence. I order that 4 months of Charge 1, 1 month of Charge 2 and 1 month of Charge 3 be served cumulatively on Charge 7 and on each other. I order that the sentences imposed on Charges 2 and 3 be served concurrently with the sentence imposed on Charge 1 and each other. This makes a total effective sentence of 2 years 6 months' imprisonment.

88 I fix a non-parole period of 1 year and 6 months' imprisonment.

89 You have not served any presentence detention.

90 Pursuant to s6AAA of the *Sentencing Act* 1991, I declare that had you not pleaded guilty, the sentence I would have imposed would have been three years, four months' imprisonment with a non-parole period of two years, one month.

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